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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/622,656  | 10/30/2000  | Takako Hirose        | 32911               | 2705             |
| 116   | 7590        | 02/04/2005           | EXAMINER            |                  |
| PEARNE & GORDON LLP<br>1801 EAST 9TH STREET<br>SUITE 1200<br>CLEVELAND, OH 44114-3108 |             |                      | HU, JINSONG         |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2154                |                  |

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/622,656

**Applicant(s)**

HIROSE ET AL.

**Examiner**

Jinsong Hu

**Art Unit**

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/22/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1-6 are presented for examination. Claim 1 has been amended.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,314,454), in view of Bulfer et al. (US 6,175,858).

4. As per claim 1, Wang teaches the invention substantially as claimed including a message delivery system having a client system acquiring a delivery message from a server unit by requesting to transmit the delivery message in the server unit in compliance with a notification from the server unit [col. 6, lines 45-55],

wherein the client system includes a received message storing means for storing delivery message information received from the server unit, and a process instructing request for the delivery message whose reception is completed when reception of the delivery message from the server unit is completed [col. 6, lines 55-58], and

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wherein the server unit includes a delivery message storing means for storing the delivery message to be transmitted to the client system [180, Fig. 1], and message processing means for transmitting message stored in the delivery message storing means to the client system in compliance with a request from the client system and then [col. 6, lines 45-55] and processing the delivery message whose reception is completed [col. 6, lines 55-60].

5. Wang does not specifically teach the step of sending notification to the client in response to arrival of the succeeding message at the server. However, Bulfer on the other hand teaches the step of sending notification to the client in response to arrival of the succeeding message at the server [col. 2, lines 44-51]. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Wang and Bulfer because doing so would increase the efficiency of the system by enabling the user being acknowledged for a new message arriving the server and retrieving the message without delay. One of ordinary skill in the art would have been motivated to modify Wang's system with Bulfer's notification step to improve the integrity of the system.

6. Wang does not specifically teach the step of informing the server unit by the client for a succeeding message acquiring request if a succeeding message is present. However, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include a succeeding message request step in Wang's

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system because doing so would bring the convenience to user by allowing the user request a expect coming message instead of waiting a notification from the server. One of ordinary skill in the art would have been motivated to modify Wang's system with the request step to improve the functionality of the system.

7. As per claim 2, Wang teaches the message processing means deletes the delivery message, which is informed by the client system and whose reception is completed, from the delivery message storing means in compliance with an instruction from the client system [col. 6, lines 55-60].

8. As per claim 3, Wang teaches the server unit holds the delivery message stored in the delivery message storing means until its deletion is instructed by the client system, and then transmits the same delivery message once again when it receives an acquiring request from the client system [col. 7, lines 25-26].

9. As per claim 4, Wang teaches the server unit further includes a processed message storing means for storing the messages delivered to the client system, and wherein, by instructing to move from the delivery message storing means of the server unit as the process for the delivery message whose reception is completed, the message processing means moves the delivery message, which is informed by the client system and whose reception is completed, from the delivery message storing

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means to the processed message storing means in compliance with an instruction from the client system [col. 7, lines 25-26 & 31-39].

10. As per claim 5, Wang teaches the server unit holds the delivery message stored in the delivery message storing means until its movement is instructed by the client system, and then transmits the same delivery message once again when it receives an acquiring request from the client system [col. 7, lines 25-26].

11. As per claim 6, Wang teaches a message instruction requesting means for informing the server unit of only a process instruction request for the delivery message whose reception is completed when there is no succeeding message [col. 7, lines 23-25].

### ***Conclusion***

12. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

13. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

14. A shortened statutory period for reply to this final action is set to expire THREE

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MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (571) 272-3965. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jinsong Hu

February 3, 2005

A handwritten signature in black ink, appearing to read "Viet D. Vu", with a stylized, cursive script.

VIET D. VU  
PRIMARY EXAMINER